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CONTEMPORARY FORMS OF SLAVERY

Report of the Working Group on Contemporary Forms of Slavery on its twentieth session
(Geneva, 19-28 April 1995)

Chairman-Rapporteur: Mr. Ioan Maxim

CONTENTS

	Paragraphs	Page
Introduction	1	3
I. ORGANIZATION OF THE SESSION	2 - 7	3
II. ADOPTION OF THE AGENDA	8	4
III. REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY	9 - 27	5
A. Status of the conventions	9 - 12	5
B. Review of information received regarding the implementation of the conventions and the programmes of action	13 - 27	5
IV. UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY	28 - 46	7

CONTENTS (continued)

		Paragraphs	Page
V.	REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND ERADICATE ALL CONTEMPORARY FORMS OF SLAVERY	47 - 118	9
	A. Suppression of the traffic in persons and the exploitation of the prostitution of others	47 - 67	9
	B. Organ transplant	68 - 73	12
	C. Bonded and child labour	74 - 93	13
	D. Forced labour	94 - 98	16
	E. Migrant workers	99 - 102	17
	F. Activities of the Special Rapporteur on the sale of children, child prostitution and child pornography	103	17
	G. Incest	104 - 105	17
	H. Other matters	106 - 118	18
VI.	RECOMMENDATIONS ADOPTED AT THE TWENTIETH SESSION	119 - 123	20
	A. General considerations	119 - 122	20
	B. Recommendations	123	21

Annexes

I. Attendance list

II. List of documents

III. Provisional agenda for the twenty-first session of the Working Group on Contemporary Forms of Slavery

Introduction

1. The Economic and Social Council, upon the recommendation of the Subcommission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, in its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Subcommission to establish a five-member working group to review developments in the field of the slave trade and the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Working Group was established in 1975 and until 1991 held a session prior to each session of the Subcommission. In its resolution 1988/42 of 8 March 1988 the Commission on Human Rights endorsed the recommendation of the Subcommission that the name of the Working Group on Slavery be changed to "Working Group on Contemporary Forms of Slavery".

I. ORGANIZATION OF THE SESSION

2. The Working Group held its twentieth session from 19 to 28 April 1995. The Group held 14 meetings during the session.

3. In accordance with Subcommission decision 1994/119, the composition of the Working Group was as follows: Mr. J. Maksum-Ul-Hakim, Mrs. H.E. Warzazi, Mr. I. Maxim, Mr. J.A. Lindgren Alves and Ms. L. Chavez. Ms. Chavez and Mr. Lingren Alves who were unable to attend, were replaced by Mrs. C. Palley and Ms. M. Ferriol Echevarría respectively.

4. The list of participants, including the members of the Working Group and observers for States, United Nations bodies, specialized agencies, intergovernmental organizations, non-governmental organizations in consultative status with the Economic and Social Council and other organizations which presented information to the Working Group with its consent is contained in annex I to the present report.

5. A list of the documents the Working Group had before it at its twentieth session is contained in annex II.

6. At the 1st meeting, on 19 April 1995, the Working Group observed a minute of silence in honour of all victims of contemporary forms of slavery, in particular children, and of Iqbal Masih a 12 year-old boy who had been shot and killed in Pakistan on 16 April 1995, and also in memory of Mr. James Grant, late Director-General of UNICEF.

Election of officers

7. Also at its 1st meeting the Working Group elected Mr. I. Maxim Chairman-Rapporteur by acclamation.

II. ADOPTION OF THE AGENDA

8. At the same meeting, the Working Group adopted the agenda of the twentieth session on the basis of the provisional agenda contained in document E/CN.4/Sub.2/AC.2/1995/1. The agenda as adopted was as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Review of the implementation of and follow-up to the conventions on slavery:

   (a) Status of the conventions;

   (b) Review of information received regarding the implementation of the conventions and programmes of action.

4. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

5. Review of developments in the field of contemporary forms of slavery and measures to prevent and eradicate all contemporary forms of slavery:

   (a) Suppression of the traffic in persons and the exploitation of the prostitution of others;

   (b) Organ transplant;

   (c) Bonded labour;

   (d) Child labour;

   (e) Forced labour

   (f) Migrant workers;

   (g) Activities of the Special Rapporteur on the sale of children, child prostitution and child pornography;

   (h) Incest;

   (i) Other matters, including early marriages and detained juveniles.

6. Adoption of the report of the Working Group to the Subcommission on Prevention of Discrimination and Protection of Minorities.

III. REVIEW OF THE IMPLEMENTATION OF AND FOLLOW-UP TO THE CONVENTIONS ON SLAVERY

A. Status of the conventions

9. At the 1st meeting, the Working Group considered item 3 (a) of the agenda. The Working Group had before it two reports on the status of the conventions (E/CN.4/Sub.2/AC.2/1995/2 and E/CN.4/Sub.2/AC.2/1995/3).

10. The Working Group expressed concern at the very slight increase in the number of ratifications of the conventions and discussed measures which could be taken in that regard.

11. Mrs. Palley and Mrs. Warzazi preferred to pay particular attention to the countries which had not yet ratified the conventions. In that regard, the Working Group, following the practice of its nineteenth session, asked the secretariat to contact a group of non-ratifying countries and to invite their representatives to join the members of the Working Group for an informal exchange of views. Some countries accepted that invitation and their representatives met the members of the Working Group during the second week of the session.

12. Subsequent to its twentieth session, the Working Group received information on the subject in writing from the Governments of Austria and New Zealand.

B. Review of information received regarding the implementation of the conventions and the programmes of action

13. The observer for Anti-Slavery International (ASI) noted that the failure of States to ratify the conventions on slavery was due mainly to a lack of knowledge and understanding of contemporary forms of slavery and of the conventions themselves. In that context, ASI had started to draft an explanatory note on existing forms of slavery.

14. The observer for International Fellowship of Reconciliation (IFOR) proposed that a note be drafted explaining why some States had not ratified the conventions.

15. The observer for ASI thought that non-governmental organizations should prepare a note limited to explaining the provisions of the slavery conventions which could be used to encourage and facilitate ratifications.

16. The Chairman-Rapporteur recalled that the purpose of the Working Group was to state clearly that slavery still existed. Information should therefore be provided on new forms of slavery, in order to raise consciousness on the issue. He proposed that some interested NGOs should consider drafting an explanatory note on those provisions of the slavery conventions which deserved to be included in international law.

17. Ms. Ferriol Echevarría stated that new forms of slavery should be publicized. Therefore, first, a note should be prepared, listing those practices and informing people outside the United Nations system about them.

Second, the existing fact sheet prepared by the Centre for Human Rights dealing with contemporary forms of slavery could be updated. She also supported the Chairman's proposal that NGOs could prepare a note on the provisions of the slavery conventions.

18. It was agreed that the information note regarding existing forms of slavery should be prepared by NGOs. NGOs would also prepare the note explaining some key provisions of the slavery conventions and a short note listing the difficulties which a number of States had in ratifying the slavery conventions. The notes would be issued before the forty-seventh session of the Subcommission on Prevention of Discrimination and Protection of Minorities.

19. The observer for the International Labour Organization (ILO) stated that information should be given both to experts and to the general public regarding the work of the specialized agencies and the provisions of the international instruments adopted under their auspices which were directly or indirectly linked to the activities of the Working Group.

20. The observer for ASI agreed, noting that most of the organizations dealing with women's issues were not aware that they could use some of the provisions of the 1949 Convention on the Traffic in Persons and of the Exploitation of the Prostitution of Others and of the Convention on the Rights of the Child as far as girl children were concerned. In the same way, most of the organizations dealing with children's issues did not think of making use of the Convention on the Elimination of All Forms of Discrimination against Women. Instruments adopted by UNESCO, ILO, WHO and others could also be very useful.

21. The observer for Action for Children Campaign explained the official position of the Government of the United Kingdom with regard to their non-ratification of the 1949 Convention. To ratify the Convention would criminalize a wider range of activity than was actually covered by English law, and the terms of the Convention could not satisfactorily form the basis of an offence under the criminal law.

22. With regard to the issue of reservations, the observer for ASI recalled that in the field of human rights, there was a general feeling that reservations to new instruments should not be allowed and that States should be encouraged to withdraw the reservations they had already made.

23. Mrs. Warzazi stated that for those conventions without a reservation clause, what was not prohibited was permitted.

24. Mrs. Palley stated that allowing minor reservations as well as declarations of interpretation of controversial provisions of any convention could be an incentive for ratification by more States.

25. The Chairman stated that, in any case, reservations should not be incompatible with the objectives of any convention.

26. Mrs. Warzazi, referring to document E/CN.4/Sub.2/AC.2/1995/4 concerning the status of implementation of the Programme of Action on the Sale of

Children, Child Prostitution and Child Pornography and supported by Mrs. Palley, felt that the reply submitted by Yugoslavia contained inappropriate remarks concerning the Romany population. The Chairman agreed with the two members of the Working Group and stated that the issue should be considered from the socio-economic point of view.

27. The observer for ASI thought that the question of the implementation of the Programme of Action was closely linked to the development aid policies of the developed countries. In her view, States brought in influential NGOs in order to control the management of aid funds.

IV. UNITED NATIONS VOLUNTARY TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

28. The observer for the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery made a statement concerning the aims and purposes of the Trust Fund. He referred to the murder of the 12 year-old Pakistani boy, Iqbal Masih, who before his death had publicly condemned the slavery system of which he had been a victim. He emphasized the importance of the role of the victims of slavery, in publicizing and denouncing the practices of slavery and in the process of liberating slaves. In that context, the assistance offered by the Trust Fund was essential in enabling victims of slavery to participate in the Working Group.

29. The observer for ASI explained to the members of the Working Group that one of the reasons given by some Governments for their failure to contribute to the Trust Fund was that they were not eager to finance the participation of international NGOs at the Working Group. It was therefore necessary to explain clearly that the purpose of the Trust Fund was to provide individual victims of slavery with an opportunity to attend an international forum.

30. Mrs. Warzazi recalled the important role the financial institutions, as well as private foundations, could play in financing the activities of the Fund. Organizations like ILO, WHO, UNESCO and UNICEF could help in fund raising. The Working Group should think of ways to contact such foundations and institutions.

31. Mrs. Palley suggested that the Working Group should write to Reebock, a transnational enterprise well known for its commitment and assistance to young people. This proposal was supported by the representative of the Board of Trustees, who recalled that Reebock had a strict code of conduct with regard to its production methods.

32. The observer for Action for Children Campaign regretted that the Commission on Human Rights had not accepted the proposal to change the priorities of the mandate of the Trust Fund. He proposed that the aims and purposes of the Trust Fund be more effectively publicized.

33. The members of the Working Group agreed to prepare a letter addressed to all relevant organizations and institutions, a list of which was to be provided by the observer for the Board of Trustees of the Fund. The text of the letter was subsequently approved by the members of the Working Group.

34. Ms. Ferriol Echevarría proposed that the financial report of the Voluntary Fund be sent as an annex to a note verbale inviting Governments to make contributions.

35. The observer for the Board of Trustees stated that, in mentioning the case of Iqbal Masih in his previous statement, he had not wanted either to forget all the other children victims of slavery all over the world, or to focus on a particular country.

36. In line with the statement made by the observer for the Board of Trustees, the observer for ASI confirmed that his organization always maintained a dialogue with the Government of Pakistan. In explaining the role of human rights activists such as Iqbal Masih and their courage, he referred to the case of the Brazilian human rights activist who had participated in the nineteenth session of the Working Group and who consequently had to leave his place of residence due to death threats.

37. The observer for Pakistan, expressing deeply regret at the murder of Iqbal Masih, stated that the police were investigating the case and that hasty conclusions should be avoided.

38. Mrs. Palley invited the observer for Pakistan to inform the Working Group of the outcome of the investigation.

39. The observer for the Board of Trustees drew the attention of the members of the Working Group to the importance of protecting victims of slavery who participated in international meetings to give testimony and proposed that the Working Group include the follow-up of the case of Iqbal Masih in the provisional agenda of its twenty-first session.

40. Mrs. Palley and Mr. Hakim supported this proposal, while Mrs. Warzazi and Ms. Ferriol Echevarría were in favour of such follow-up being done by the Board of Trustees of the Trust Fund.

41. The observer for the Board of Trustees of the Trust Fund expressed his reservations regarding the ability of the Trust Fund to manage the programmes and projects it financed, and expressed the hope that a management evaluation of the Trust Fund would be carried out.

42. The observer for ASI suggested that the Working Group propose that the Subcommission and the Commission pay more attention to the reports submitted by the Working group.

43. Mrs. Palley suggested that donors should accept first, to finance the participation of two witnesses or victims of contemporary forms of slavery per year for a four-year period, and second, to finance a study on one country per year to identify problems and the assistance needed. The Trust Fund should discuss the question of types of assistance to be given to victims of slavery.

44. Mrs. Warzazi stated that the Working Group should focus on two levels for action: first, hear victims and witnesses and second, follow up programmes of

action decided at the previous sessions. The Working Group should also encourage the initiatives taken by journalists and newspapers in defining and drawing public attention to persistent forms of slavery.

45. The observer for the International Federation of University Women proposed that, in order to clarify the purposes of the Fund, its title be changed to the United Nations Voluntary Trust Fund for the Victims of Slavery.

46. In reply to the request made by the members of the Working Group the observer for the International Monetary Fund (IMF) gave a brief overview of the organization's mandates and activities, including economic and financial policy matters, as well as technical assistance. He stated that IMF was not able to make financial contribution to any international organization or institution.

V. REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS OF SLAVERY AND MEASURES TO PREVENT AND ERADICATE ALL CONTEMPORARY FORMS OF SLAVERY

A. Suppression of the traffic in persons and the exploitation of the prostitution of others

47. The observer for the International Abolitionist Federation (IAF) stated that prostitution was one of the least understood violations of human rights. Prostitution should not be considered as a profession, whether it was voluntary or forced. Since a person was led to prostitution by various external factors, the notion of "voluntary prostitution" was false, all the more so in case of children who could not legally give their consent. The problem was so widespread and had reached such a dangerous level that strategies to deal with it should be drawn up with a view to effectively implementing the 1949 Convention and strengthening and updating some of its provisions. Hope was expressed that the Fourth World Conference on Women to be held in Beijing would address this form of violence against women.

48. The observer for ASI made a statement regarding the sexual exploitation of Devadasis. In the Devadasi system, practised in some parts of India, children were dedicated to the service of a goddess. Etymologically, "Devadasi" is a servant or slave of god. Although it was difficult to obtain reliable data, the latest estimates indicated that around 10,000 children were dedicated each year. The dedication of a Devadasi could take place at any age, but most frequently occurred during early childhood. While dedication was a traditional and religious act, it was often prompted by economic compulsion and strong superstition. After the dedication, an auction was held and the highest bidder would obtain the right to deflower the girl and to "use" her for as long as he wished. Afterwards, the girl had to be sexually available to "anyone who knocks at the door".

49. The observer for ASI also stated that in India national legislation would be needed in order to allow law enforcement agencies to deal with the whole "chain of exploitation" beyond the state boundaries and to enable them to prosecute those who were located in other states. In that regard, it was

stated that although education and awareness campaigns should be encouraged, an initiative from within the communities themselves would be vital for the abolition of the practice of Devadasis.

50. The observer for India stated that the Government was making efforts to tackle the problem of prostitution, including the Devadasi system which was restricted to only a few states. In 1956 the Suppression of Immoral Traffic in Women and Girls Act was enacted. Amended in 1986 and retitled the Immoral Traffic Prevention Act, it widened the scope of the legislation to cover both sexes and increasing penalties for offences involving children and minors. The Act also envisaged a comprehensive scheme for rescue, protection and treatment by providing for protective homes and rehabilitation institutions for rescued adults. The Government was well aware that legislation alone was insufficient to tackle the problem and that the root causes needed to be addressed. For 44 per cent of the surveyed cases, "economic distress" was a cause of entry into prostitution. The states where the Devadasi practice was followed had enacted effective state laws; the Government therefore did not see a need for legislation at the national level, as suggested by the observer for ASI. Education and economic and social rehabilitation measures were also important and the states concerned had taken initiatives in that regard.

51. The observer for Action for Children Campaign made a statement concerning the issue of sex tourism originating in the United Kingdom. She stated that in 1991 her organization succeeded in persuading the Department of Trade and Industry to invoke the existing law against advertising and marketing tours offering opportunities for sexual activity with children, that those commercial activities were officially identified as a serious criminal offence under the Criminal Law Act of 1977 and that the official position was announced and circulated among the travel agencies. Since 1993 not one single sex tour involving children abroad had been organized from the United Kingdom; some deterrent effect had evidently been established. She also stated that extraterritorial jurisdiction was needed to combat the problem effectively.

52. The Chairman mentioned the important role the Council of Europe and the European Parliament could play in this area.

53. Mrs. Pally thanked the NGOs for the valuable information they had shared with the members of the Working Group and suggested, in line with the initiative taken by Action for Children Campaign, that newspapers could be encouraged to report court cases and sanctions relating to sex tourism. With regard to the Devadasi practice, she thought it important not to forget, while talking of sexual exploitation, local "consumers" and exploiters. She was in favour of a realistic approach in combating sexual exploitation. In that context, forced prostitution should be criminalized and the advertisement of pornography and "brothels" prohibited, but prostitutes needed to be protected.

54. Mrs. Warzazi denounced the spread and increase of prostitution. Not only exploitation of prostitution but also prostitution as such should be prohibited. There was a close link between the deterioration of moral and ethical values and the increase in prostitution. While denouncing religious practices and traditions which justified the prostitution of girl children, she preferred a cautious approach in combating such practices.

55. Mrs. Warzazi also mentioned cases of rape of girl children by men with AIDS who believed that this was a way to cure the disease.

56. The observer for IAF was in favour of a realistic approach to the problem of prostitution. She stated that considering the interrelationship between the "sex industry", the "drug industry" and the "arms industry", any action against sexual exploitation should be planned with a global perspective. She rejected the idea of calling prostitutes "commercial sexual workers".

57. The observer for ASI raised the issue of the "age of consent" of children to prostitution, and stated that ILO Convention No. 138 on the minimum age for employment would override the age of consent provided for in national legislation. In that connection, the debates during the preparatory work for the Convention on the Rights of the Child were recalled.

58. The observer for the World Federation of Methodist Women denounced the idea of "lawful prostitution". She also stated that all around the world, in developing and developed countries, girl children were sexually abused and thrown into trafficking and prostitution. Her organization decided in 1991 to launch a consciousness-raising campaign on the plight of girl children as a matter of priority throughout the world. In 1993 and 1994, study materials, newsletters and area seminars were dedicated to the topic. Following the European Area Seminar, a resolution on sex tourism adopted at the seminar was used by the British members of the organization to raise public awareness on child prostitution and to express concern that nationals of developed countries engaged in sex tourism. The World Federation of Methodist Women was working with other international NGOs towards the Fourth World Conference on Women in order to have, inter alia, the concerns and needs of girl children incorporated into the "Global Platform for Action". The Working Group was urged to take a strong position in regard to the situation of girl children.

59. The observer for UNICEF drew the attention of the members of the Working Group to the World Congress on Commercial Sexual Exploitation to be held at Stockholm in August 1996. The congress aimed to make people aware of the phenomenon of sexual exploitation of children.

60. Mrs. Palley addressed some questions to the observer for the Netherlands with regard to its policy on prostitution. Would the solution chosen by the Government to control prostitution achieve any decrease in prostitution? She also wanted to have information with regard to the Netherlands immigration legislation, especially concerning migrant workers in the sex industry.

61. The observer for the Netherlands stated that the legislation was more severe with regard to coercive prostitution or child prostitution.

62. Mrs. Warzazi was concerned at the permissiveness of some legislation and at the increase of cases of AIDS. She recalled the interrelationship between prostitution and AIDS and expressed the wish to receive more information concerning the influence of prostitution and drug addiction on the spread of AIDS. She thanked the observer for the Netherlands for his cooperation.

63. The observer for Belgium made a statement concerning three newly adopted laws in Belgium regarding prostitution, child pornography and sexual

exploitation. The first law dealt with telecommunication advertisements (messagerie rose). The second law prohibited child pornography and established the extraterritoriality principle which enabled prosecution of a non-national for offences committed abroad. The third law provided for sanctions for sexual abuse of minors.

64. The Chairperson of the Association contre la prostitution enfantine, a French affiliate of IAF, made a statement with regard to the trial of the editor of the "Spartakus Guide" which publicized paedophile sex tourism. According to the statement, following the adoption of the new laws in Belgium, the editor, a British national, was prosecuted in Belgium for offences committed abroad. The new law had an encouraging outcome.

65. The observer for the Philippines welcomed the establishment of the principle of extraterritoriality in the criminal jurisdiction concerning sexual abuse, and preferred this approach as a general principle to individual extradition agreements between the countries concerned.

66. The members of the Working Group, pursuant to paragraph 13 of Commission on Human Rights resolution 1995/27, reviewed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others (E/CN.4/1994/71, annex 1), in the light of the views and comments received and contained in documents E/CN.4/1993/58 and Add.1 and E/CN.4/1994/71/Add.1.

67. On 26 April 1995, the Working Group adopted the revised draft programme of action (E/CN.4/Sub.2/1995/28/Add.1).

B. Organ transplant

68. The observer for the World Health Organization (WHO), explaining the organization's involvement with this question, stated that WHO's focal point on human rights had maintained close contact with the Special Rapporteur on the sale of children, child prostitution and child pornography and been monitoring events and developments in the world since the Guiding Principles on Human Organ Transplantation were drawn up in 1991. WHO had been compiling press reports and comments on the question, but it did not have a mandate to conduct investigations of allegations of criminal acts of organ transplant. With regard to the transportation of organs, there existed in Europe an effective mechanism to control the transborder circulation of organs, but WHO itself had not yet addressed the issue.

69. Mrs. Palley stated that the issue of organ transplant involved possible criminal acts and therefore needed to be regulated by an international convention to prevent the illicit movement of organs and patients. Referring to the draft convention prepared by the Council of Europe on this subject, legal criteria for taking organs should be in conformity with relevant instruments such as the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care of 1991.

70. The observer for the International Association of Democratic Lawyers referred to the question of traffic in organs and stated that criminal investigations initiated in various countries had been halted. She also

mentioned the establishment of a people's tribunal in Italy to examine case files in order to identify those guilty of criminal trafficking in organs.

71. The observer for ASI stated that in China organs removed from executed prisoners were reportedly sold and their transplantation was carried out on a commercial basis. Safeguards to protect the prisoners, such as the requirement to obtain their explicit consent, were alleged to be rarely observed.

72. Mrs. Palley, referring to the same allegation concerning the removal of organs and tissues from executed prisoners, requested the observer for China to provide information regarding the requirement of consent by prisoners, the alleged removal of organs while the prisoners were still alive, statistics of such organ transplants during the last five years, and the alleged sale of organs removed from the prisoners.

73. In reply, the observer for China stated that convicted criminals sentenced to the death penalty had the right voluntarily to donate their organs and that, according to the relevant regulations, the removal of organs of convicted criminals under sentence of death required their consent and signature or the consent of their relatives as well as the approval of the judicial departments.

C. Bonded and child labour

74. The Working Group considered items 5(c) and (d) together for their close substantive linkage.

75. The observer for the Bonded Liberation Front of India made a statement concerning the problem of child labour. He urged the Government of India to set up a system which would end the exploitation of child labour. He also requested the World Bank and IMF not to assist financially projects involving the exploitation of child labour.

76. The observer for ILO stated that although the programme launched by ILO, called the International Programme for the Elimination of Child Labour (IPEC) had as one of its priorities the elimination of bonded labour of children. Of the 114 programmes IPEC was assisting in India, only 5 dealt with the issue. Greater efforts should be made and more attention given to the situation of children in servitude.

77. The observer for ASI made a statement with regard to bonded labour in India which had been legally abolished 20 years ago. Although the Bonded Labour System Abolition Act obliged every state to take steps to release bonded labourers, in one state alone (Karnataka) more than 19,000 bonded labourers had been identified by a local organization. Concern that bonded labour still existed in India was demonstrated by the formation of a 46-member Citizen's Commission on Bonded Labour and Child Labour which succeeded, at the end of January 1995, in obtaining the release of 76 bonded labourers working near Delhi, among whom 45 were described as children. Over 15 million children were known to be working in many industries. When a child started work the parents were routinely given a loan by the employer or his agent. The practice was so common that it was not generally recognized in India as

being a form of bonded labour. It was therefore possible for states to deny that bonded labour existed and not to obtain the release of workers under the Bonded Labour Act. Authorities at state level should encourage "vigilance committees" which, under the 1976 Act, were supposed to be set up at all levels of local government to arrange for the release and rehabilitation of bonded labourers. Priority should be given to the eradication of bonded labour among children within the framework of a programme to eliminate all child labour.

78. The observer for the Bonded Labour Liberation Front of Pakistan, referring to the killing of Iqbal Masih, alleged that the facts surrounding the killing had not been disclosed by the authorities. He also contradicted the statement made by the observer for Pakistan, stating that since the 1992 legislation prohibiting bonded labour, complaints concerning bonded labour had been filed with local and judicial authorities. He criticized the Government's failure to act to eradicate the practice of bonded labour of children.

79. Mrs. Palley stated that laws prohibiting bonded and child labour should be effectively and efficiently implemented and followed up. An inspection unit should be set up to monitor compliance. She also recalled the problem of corruption in the police forces. She referred to the information given by the Government of Pakistan according to which the "vigilance committee" had received no complaints. That seemed very strange, suggesting that information about the committees was needed.

80. She also urged the Indian Government to consider the creation of a national commission to deal with the question of bonded labour and to submit to the Working Group statistics on the issue. NGOs and trade unions should cooperate with the Government in identifying and freeing bonded labourers.

81. The observer for India stated that there was a high degree of awareness in India about child and bonded labour. The Government had enacted and enforced legislation and set up development programmes and projects for working children. He drew the attention of the Working Group to surveys carried out by the National Sample Survey Organization on the problem of bonded labour. As a result of the surveys, 251,424 bonded labourers had been identified by the state government as of 31 March 1993, and the statistics were made available to the members of the Working Group. The observer for India also stated that his Government disagreed with the view of the Working Group that international trade was linked with improvement of labour conditions and recalled the opposition of his Government to the social clause. He emphasized that his Government was tackling those problems, including their root causes.

82. Mrs. Warzazi drew the attention of the Working Group to the situation of child domestic workers. She was in favour of the ILO setting up a committee of experts to deal exclusively with child labour and proposed that the ILO take measures to involve trade unions in combating exploitation of labour, in particular child labour.

83. Mr. Hakim recalled that poverty was the root cause of child labour and noted the difficulty in implementing existing laws.

84. The observer for ILO briefed the members of the Working Group on ILO mechanisms. First, States were supposed to submit reports to the Commission of Experts on the implementation of the ILO conventions they had ratified. Second, each year, States were supposed to submit a report on a specific convention, whether they had ratified it or not. In the same context, the Committee on Freedom of Association had a mandate to consider all complaints vis-à-vis States even if they had not ratified the relevant convention. Every year ILO considered the possibility of creating a special mechanism to deal with exploitation of child labour.

85. The observer for ASI drew the attention of the Working Group to ILO's IPEC programme. Trade unions were not very active on the issue of domestic workers, due mainly to a legislative vacuum. He also recalled that every trade union could complain to ILO and that information should be given to small and local trade unions. Concerning child domestic servants in West Africa, he said that those children were usually girls as young as 5 or 6 years old from poor rural families entrusted by their parents to wealthier urban families. They were exploited by those families, subjected to severe maltreatment and sometimes sexually abused. If they became pregnant, they could be thrown out and often become street children or prostitutes.

86. The observer for the World Association for Orphans and Abandoned Children-Africa Regional Office (WAO-Africa) made a statement on the issue of child domestic servants in Togo, a country in which a study had been carried out. Some of the causes of the problem and obstacles to its solution were illiteracy, widespread poverty and the existing social structures. The study showed that 95.4 per cent of the children concerned were girls and that more than 50 per cent were under 14 years of age. They worked in extremely bad conditions and were physically and mentally mistreated and sometimes sexually abused. The difficulties in combating the phenomenon included the hidden aspect of domestic service and the fact that in most of the countries where it existed it was not considered a form of exploitation. Among other activities, undertaken in close cooperation with ASI and UNICEF, WAO-Africa launched in 1994 a regional information campaign on child labour.

87. Mrs. Palley recalled that in such cases, the existence of political will was a prime necessity and that the Organization of African Unity (OAU) did not pay sufficient attention to the issue.

88. The observer for ILO stated that at a meeting of OAU Health Ministers, the issue of child domestic servants was raised and discussed.

89. On 24 April 1995, the observer for ASI presented a film on fetish slaves in Ghana, called Trokosi. The Trokosi system is a practice in southern Ghana whereby young girls are dedicated to a fetish shrine to atone for crimes and offences committed by male members of their family. The virgin girl usually remains a slave for the rest of her life. She must work both within the compound where she performs domestic chores and in the fields where she is the main source of labour. In Ghana a few initiatives have been launched to combat the practice, although it is evident that no campaign can be successful without consciousness-raising and education of the general population and of the communities among which the practice is found.

90. The observer for the International Federation of University Women referred to the practice of "family placement" which was originally created for the best interest of the child and which had become a way of exploiting children and of illegal adoptions. She also referred to paragraph 20 of document E/CN.4/Sub.2/1989/39 regarding illegal adoptions and wished to have this issue included in the provisional agenda of the twenty-first session of the Working Group.

91. The observer for UNICEF stated that in situations of armed conflict, it was difficult to determine whether a child was only temporarily separated from his/her family or orphaned. In such circumstances, UNICEF had established a policy to delay for two years any legal adoption of the child. Where legal adoption was approved, internal adoption was preferred.

92. Due to its widespread occurrence and the seriousness of the issue, the Working Group decided to consider the issue of illegal adoptions at its twenty-first session and to include it as item 5 (b) of the provisional agenda (see annex III).

93. The Working Group noted that most of the information received dealt with African or Asian countries, and it expressed the wish to receive information from other geographical regions.

E. Forced labour

94. The observer for ASI made two statements with regard to forced labour in Myanmar and in Bosnia and Herzogovina. Regarding the former, he stated that the ILO Committee of Experts had concluded in 1994 that in Myanmar there had been violations of ILO Convention No. 29 concerning forced or compulsory labour which Myanmar had ratified in 1995. The gross abuse of forced labour had occurred in portering for army units and forced labour had also been used on infrastructure projects such as railways, runways, hydroelectric plants and roads. Forced labour had often been reported in areas where foreign companies were prospecting for oil and gas. Therefore, forced labour practices were linked to international trade. With regards to the situation in Bosnia and Herzogovina, most impartial observers had noted that systematic violations were occurring in the Serb-held areas of the country. Forced labour was used to dig trenches, in the fields or to evacuate the dead and wounded, as well as in mining, manufacturing, and activities such as street cleaning and road widening. Serb civilians did not appear to be subjected to the practice. The forced workers were mostly Muslims, Croats or Roma, while the supervisors were mostly Serbs. The situation was not limited to the front-line areas or crisis situations but encompassed the whole of the Serb-controlled territory.

95. The observer for Liberation stated that in Japan employees of certain enterprises were routinely forced to work overtime, in several cases resulting in death by exhaustion. This would constitute a violation of article 25 of ILO Convention No. 29.

96. Mrs. Palley raised the issue of forced labour in prisons, and in particular in "privatized" prisons. She asked government observers to provide information on the kind of "consent" to be given by the prisoners to work for

a private firm. She requested information regarding the legislation, practices in connection with forced labour in prisons, and clarification of allegations made by NGOs.

97. The observer for the Democratic People's Republic of Korea referred to the question raised by Mrs. Palley and stated that the allegation of forced labour in prisons in his country were politically motivated. With regard to the situation of Korean loggers and timber workers in Siberia working under a contract between the Democratic People's Republic of Korea and the Russian Federation, he asserted that all allegations regarding forced labour were false.

98. The observer for China, referring to Mrs. Palley's statement, stated that the Chinese Government opposed the use of labour as a means of punishing criminals, as well as the use of hard labour to mistreat prisoners. Appropriate work in prison helped prisoners to maintain a sound mental and physical condition and technical knowledge which would facilitate their rehabilitation and reintegration into society. Chinese law ensured that prisoners would work in good conditions.

E. Migrant workers

99. The members of the Working Group expressed their concern at the situation of migrant workers. There was, regrettably, a link between immigrant workers and racism. They urged Governments to ratify the International Convention on the Rights of all Migrant Workers and Members of Their Families and to adopt and guarantee the implementation of non-racist laws.

100. The observer for ASI drew the attention of the Working Group to the protective legal system adopted by Canada for immigrant domestic workers.

101. Mrs. Palley referred to the exploitation in developed countries of illegal migrant workers from developing countries. Their passports were often retained by their employers and their transportation costs were charged against their salaries as debts. Textile industries in Italy and Spain were mentioned as examples of such practices.

102. Mr. Hakim stated that migrant workers had contributed to the economic and social well-being of the affluent host countries. However, they were often left out of the benefits of such affluence and continued to work under sub-human conditions. The problem needed to be addressed.

F. Activities of the Special Rapporteur on the sale of children, child prostitution and child pornography

103. Since the Special Rapporteur on the sale of children, child prostitution and child pornography did not participate in the twentieth session of the Working Group, the item was not considered by the Working Group.

G. Incest

104. The observer for Action for Children Campaign made a statement concerning incest and the phenomenon of early marriage. In that context, she raised the issue of child sexual abuse within the family among immigrant Asian

communities in "the West", and in particular in the United Kingdom. She described the way in which sexual abuse could occur inside the family, and asked that the topic be included in next year's agenda.

105. Mrs. Palley proposed that incest and early marriage be considered together under the agenda item "other matters".

H. Other matters

Early marriages

106. The observer for ASI made a statement concerning the enslavement of women and the sale of women for early marriage purposes. He sought to demonstrate the consequences of the violation of the economic rights of such women who were kept in bondage by their husbands. Traditional customs and practices which denied all rights to women were still prevalent in some regions of the world although national legislation was enacted to protect their rights. Local customs should be revised in order to take into account international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women.

107. The observer for Action for Children Campaign made a statement on early marriage and incest. She denounced arranged marriages between very young girls and men who had abused them, thereby maintaining a culture of sexual abuse. The dependency and cultural submissiveness inculcated in the wives made them unable to protect their children if the father attempted to abuse them.

Slavery during wartime

108. The observer for Liberation made a statement concerning the forced labour of Koreans in Japan and the policy of forced displacement of Koreans before and during the Second World War, including the sexual exploitation of women. It was necessary to find out the truth about the causes and consequences of that policy, and he expressed regret that the Japanese Government did not have the will to punish the perpetrators of those crimes. Japan also refused to pay any monetary reparation to victims of forced labour while Japanese war victims had received around US $ 500 billion as compensation. He said that that could constitute a violation of article 11 of the San Francisco Peace Treaty, in which Japan accepted all of the judgements of the war crimes tribunals. He called upon the Working Group to ensure that the Japanese Government cooperated with United Nations bodies to disclose all necessary information on the issue.

109. Mrs. Palley raised the question of the responsibility of the Allies who might have been aware of those facts and did not intervene. She also disapproved of the use of the expression "comfort women", which was insulting to the victims. She also drew the attention of the Working Group to a book published by the International Commission of Jurists entitled Comfort Women which, in her view, should be distributed in all countries. She called upon the countries whose citizens were victimized by the Japanese during the Second World War to assist them financially and socially, although the Japanese Government should pay compensation. She asked the Government of Japan to

reconcile its refusal to give a remedy to individual victims with its support for the Declaration adopted at the World Summit for Social Development held in March 1995.

110. The observer for IFOR emphasized the legal responsibility of the Japanese Government to pay individual compensation and rejected the so-called "Murayama Plan" which foresaw funding by the private sector rather than by the Government itself. He stated that sexual slavery victims, along with many Asian women's organizations and NGOs, had protested against the plan and demanded that the Japanese Government withdraw it and adopt a special law allowing for reparation to be paid by the Government. He urged the Japanese Government to disclose all information in its possession concerning the issue of wartime slavery practices by the Japanese military authorities.

111. The observer for Action for Children Campaign made a statement concerning British civilian survivors of Japanese labour camps. The Working Group heard the testimony of two British civilians who were victims of forced labour and ill-treatment by the Japanese forces during the Second World War. One was the Vice-Chairman of the Association of British Civilian Internees Far East Region (ABCIFER), which had requested the Japanese Government to apologize to the British civilian internees and to make financial amends.

112. The observer for Japan made a statement concerning the issue. He recalled that his Government had repeatedly expressed profound and sincere remorse and had apologized to the victims. He also stated that all claims relating to the war had been settled in accordance with the San Francisco Peace Treaty and other relevant international agreements. The Government had initiated the "Peace, Friendship and Exchange Initiative" which consisted of support for historical research and exchange programmes to promote dialogue and mutual understanding. The establishment of an Asian Historical Document Centre was also under consideration within the initiative.

113. The observer for the Democratic People's Republic of Korea stated that the issue of slavery during wartime was within the mandate of the Working Group and that the victims of Japanese slavery practices were still suffering either because they had not been compensated or because surviving victims and their children were still discriminated against by the Government of Japan which continued to refuse to disclose information on what had happened during the Second World War. Regret was expressed that Japan used the San Francisco Peace Treaty as an excuse for its refusal to assume its responsibility.

114. The observer for the Republic of Korea stated that women were always subject to violence during wartime and informed the Working Group that Ms. Chavez, a member of the Subcommission, had been invited to his country to collect information with regard to sexual violence against women during the war.

115. The observer for ASI made a statement concerning slavery in Mauritania whose effects were still being felt in that country. He drew the attention of the Working Group to the work and action initiated by his organization which, inter alia, followed closely the work of Mr. M. Bossuyt, a member of the

Subcommission, who undertook a visit to Mauritania and submitted a wide range of recommendations to combat the after-effects of slavery, none of which had been implemented.

116. The observer for Mauritania stated in response that slavery as a State policy no longer existed in his country, although its after-effects remained. A rift in Mauritanian society prevailed between the rich and the poor but not between blacks and whites or between former slaves and former masters. Simplistic judgements should be avoided as they did not reflect the reality in Mauritania. Since 1984, Mauritania had made great efforts to overcome the effects of slavery. He recalled that Mauritania was a developing country and needed assistance.

117. Mrs. Palley stated that a study should be undertaken to identify groups suffering unfair disadvantage and that Mr. Bossuyt's recommendations should be taken more into consideration by the Government of Mauritania.

118. Mrs. Warzazi and Ms. Ferriol Echevarría thanked the observer for Mauritania for his statement and urged dialogue, proposed both by the Government of Mauritania and by ASI.

VI. RECOMMENDATIONS ADOPTED AT THE TWENTIETH SESSION

A. General considerations

119. The Working Group on Contemporary Forms of Slavery considers that slavery, in its various forms and practices, is a crime against humanity and that any acquiescence by a State in such practices, irrespective of whether it has acceded to the Conventions on slavery, is a violation of basic human rights.

120. A review of the information provided to the Working Group showed that, despite the progress made in the protection of human rights and the preservation of human dignity all over the world, various forms of slavery still existed. The Working Group considered questions dealing in particular with child and bonded labour; sexual exploitation, in particular of children; trafficking in organs; illegal adoption; migrant workers; and the girl child. The Working Group also considered the issue of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

121. The Working Group welcomed the fruitful dialogue with government representatives and thanked the representatives of UNICEF, ILO, WHO and IMF for their participation at its twentieth session. It expressed the hope that those organizations would attend its future sessions. The Working Group regretted the absence of representatives from INTERPOL and UNESCO, the Special Rapporteur on the sale of children, the Special Rapporteur on violence against women and a representative of the Committee on the Rights of the Child and hoped that they would attend its future sessions.

122. The Working Group was alarmed by the spread of prostitution and sexual exploitation and insisted on the importance to be given to education in order to combat ignorance and superstition.

B. Recommendations

123. The following recommendations were adopted by the Working Group at its twentieth session:

1. General

The Working Group on Contemporary Forms of Slavery,

Having devoted its twentieth session to an overall evaluation of various contemporary forms of slavery,

1. Expresses its gratitude to all participants for information relating to all forms of exploitation;

2. Considers that poverty and ignorance are the main causes of contemporary forms of slavery, and urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

3. Calls upon all United Nations specialized agencies to cooperate with the Working Group and to coordinate their activities in seeking an integrated approach to the various problems in the fields of slavery and the slave trade, including slavery-like practices in all their manifestations, and of traffic in persons and exploitation of the prostitution of others;

4. Considers that effective measures should be taken to assist in protecting the rights of those suffering from contemporary forms of slavery by drawing upon the expertise of, and improving coordination and cooperation between, different United Nations bodies, organs and legal instruments dealing, directly or indirectly, with contemporary forms of slavery issues, and clearly to identify new forms of slavery by updating the fact-sheet relating to that issue;

5. Welcomes the important role that non-governmental organizations could play in raising awareness of the provisions of the Conventions on slavery, in particular the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949;

6. Requests the Secretary-General to invite news agencies, the press, television and radio to contribute to the rapid elimination of slavery in all its contemporary forms by ensuring wide and effective publicity about existing cases of slavery, the slave trade, other slavery-like practices, trafficking in persons and exploitation of the prostitution of others, and also requests that a similar campaign of awareness be promoted by the Department of Public Information of the Secretariat;

7. Notes that the status of ratification of the two main Conventions on slavery is still unsatisfactory;

8. Requests the Secretary-General to invite annually States which have not ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 to consider ratification;

9. Welcomes the list of States which have not yet signed, ratified or acceded to the Conventions on slavery provided by the Secretary-General, and requests him, when preparing his next report on the status and implementation of those instruments, to continue providing the members of the Working Group with such a list.

2. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Working Group on Contemporary Forms of Slavery,

1. Thanks the representative of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery for his constructive participation in the proceedings of the Working Group;

2. Appeals to all Governments, governmental and non-governmental organizations, private institutions and individuals to respond favourably to requests for contributions to the Fund;

3. Requests the Secretary-General to facilitate the holding of the meeting of the Board of Trustees as soon as possible, so that a fund-raising campaign can be effectively carried out, and to publicize the establishment and the aims of the Fund, so as to increase general awareness of its existence and role;

4. Recommends that, in order better to reflect the aims of the Fund, the trustees consider renaming the Fund;

5. Invites a representative of the Fund to attend the twenty-first session of the Working Group.

3. Prevention of traffic in persons and exploitation of the prostitution of others

The Working Group on Contemporary Forms of Slavery,

Convinced that traffic in persons and prostitution are incompatible with the dignity and worth of the human person,

Considering the necessity of promoting the implementation of international norms and standards on trafficking in persons and exploitation of the prostitution of others and of strengthening the

mechanism of implementation as provided for in the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949,

Noting with interest the recent developments concerning the cases before the courts of justice in several countries,

Welcoming the holding of the World Congress on Commercial Sexual Exploitation of Children at Stockholm in 1996,

1. Draws the attention of the Subcommission on Prevention of Discrimination and Protection of Minorities to the revised draft programme of action for the prevention of trafficking in persons and exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1);

2. Recommends that Governments prohibit advertising or publicizing sex tourism and that they not facilitate other commercial activities involving sexual exploitation;

3. Encourages Governments to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of infection with the HIV virus and the spread of AIDS;

4. Urges States to introduce and reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

5. Recommends that States take urgent measures designed to protect minors from exposure to or involvement in child pornography, and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

6. Also recommends that national institutions for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

7. Decides to continue consideration of the issue of sex tourism at its twenty-first session.

4. Trafficking in organs

The Working Group on Contemporary Forms of Slavery,

Concerned at information alleging that children and adults are victims of, or are even killed for, the removal of organs for the purposes of commercial transplants and non-therapeutical research,

Concerned also that, in spite of the persistence and the amount of information received on this matter, specific proof of incidents involving and of the extent of this phenomenon is difficult to obtain,

Taking note of the initiative of the Council of Europe in drafting a Bioethics Convention and a protocol on organ transplantation,

1. Requests the Secretary-General to invite again all Governments, United Nations bodies and organizations, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, the International Criminal Police Organization and all relevant non-governmental organizations to pursue their investigation of allegations that children and adults are victims of, or are even killed for, the removal of organs for the purposes of commercial transplants and to indicate any measures taken to counteract this practice wherever it exists;

2. Requests the Subcommission on Prevention of Discrimination and Protection of Minorities to recommend to the Commission on Human Rights to designate an expert to investigate and prepare a study on allegations regarding the removal of organs and tissues of children and adults for commercial purposes;

3. Encourages the World Health Organization to continue to pay special attention to that issue by, in particular, updating its Guiding Principles on Human Organ Transplantation;

4. Expresses its concern that in some States non-therapeutic research may be conducted on and removal of tissue may be permitted from minors and mentally ill patients on the basis of surrogate consent in violation of the provisions of article 7 of the International Covenant on Civil and Political Rights;

5. Decides to continue to examine this matter in depth at its twenty-first session.

5. Eradication of bonded labour

The Working Group on Contemporary Forms of Slavery,

1. Takes note of the information on bonded labour provided by intergovernmental and non-governmental organizations;

2. Also takes note of the information given by Governments;

3. Takes note with satisfaction of the promulgation of laws against bonded labour, and appeals to Governments to adopt all measures to implement and follow up the implementation of such laws;

4. Requests the specialized agencies, in particular the financial institutions of the United Nations system, to ensure that the projects they support do not use or in any way promote bonded labour;

5. Recommends that trade unions at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

6. Urges all countries to ensure that bonded labour is not used to produce the goods they import or export;

7. Decides to keep this question under consideration and to assess the progress achieved, with a view to the elimination of this intolerable practice.

6. Elimination of the exploitation of child labour

The Working Group on Contemporary Forms of Slavery,

Concerned by the persistence of the exploitation of child labour and debt bondage, and aware of the necessity to study these phenomena,

1. Recommends that the Subcommission on Prevention of Discrimination and Protection of Minorities take appropriate action at its forty-seventh session in connection with the appointment of Mrs. H.E. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage, having regard to the importance of this study;

2. Urges all countries, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers, to ensure their labour is not exploited and to prohibit their labour in hazardous occupations;

3. Requests the Secretary-General to invite all States to inform the Working Group on measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and to report to the Subcommission and the Commission on Human Rights at their next sessions.

7. Forced labour

The Working Group on Contemporary Forms of Slavery,

Concerned at allegations that forced labour has not been eliminated, including, inter alia, that forced labour for private sector organizations is required of prisoners,

1. Considers that forced labour is a contemporary form of slavery;

2. Decides to continue to give consideration to this issue at its next session.

8. Migrant workers

The Working Group on Contemporary Forms of Slavery,

Recalling the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in its resolution 45/158 of 18 December 1990,

Noting that foreign migrant workers are frequently subject to discriminatory rules and regulations which undermine human dignity, including forcing them to live separately from their spouse and their minor children, sometimes for extended periods, and are often victims of racism and xenophobia,

1. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

2. Strongly condemns practices of unequal treatment of migrant workers and the denial to them of minimum human consideration and dignity;

3. Recommends to non-governmental organizations to give attention to the grave problems affecting migrant workers and to provide the Working Group with information in this regard;

4. Recommends to the Subcommission on Prevention of Discrimination and Protection of Minorities that it examine this issue at its forty-seventh session.

9. Sale of children, child prostitution and child pornography

A.

Special Rapporteur on the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes

The Working Group on Contemporary Forms of Slavery,

Having considered the report (A/49/478) submitted by the former Special Rapporteur on the sale of children, child prostitution and child pornography to the General Assembly at its forty-ninth session,

Expressing its deep appreciation to Mr. Vitit Muntarbhorn for his excellent work and the outstanding reports he submitted to the Commission on Human Rights and the General Assembly,

Welcoming the appointment of Mrs. Ofelia Calcetas-Santos as the new Special Rapporteur on the sale of children, child prostitution and child pornography,

1. Takes note of the information on these problems submitted by the participants at its twentieth session, and requests the Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to her mandate;

2. Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to trafficking

in children, such as organ transplantation, disappearances, the purchase and sale of children, adoptions for commercial purposes or exploitation and child prostitution;

3. Invites the Special Rapporteur to participate in the twenty-first session of the Working Group;

4. Encourages all Governments to consider the creation of programmes aimed at the social rehabilitation of children involved in prostitution.

B.

Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

The Working Group on Contemporary Forms of Slavery,

Having examined the report of the Secretary-General on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (see E/CN.4/Sub.2/AC.2/1995/4),

Taking into account Commission on Human Rights resolution 1995/78 of 8 March 1995 in which the Commission, inter alia, decided to renew the mandate of the open-ended working group to elaborate a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,

1. Requests the Secretary-General to invite all States to continue to inform the working group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography.

10. Incest

The Working Group on Contemporary Forms of Slavery,

Concerned at the practice of incest and sexual abuse of children inside the family, which is a common and most morally repugnant form of slavery,

1. Decides to continue to consider this item at its twenty-first session and to consider ways to combat incest and sexual abuse of children inside the family, and emphasizes the urgent need for adequate help to be offered to victims of such practices;

2. Urges Governments to make confidential facilities available for children to make disclosures of the situation and to obtain advice;

3. Urges Member States to take adequate steps to punish suitably the perpetrators of this most heinous offence.

11. Miscellaneous

The Working Group on Contemporary Forms of Slavery,

1. Takes note of the information received concerning the sexual exploitation of women, as well as other forms of forced labour, during wartime, and decides to consider these issues at its next session;

2. Welcomes information from the Government of Japan regarding its action in relation to the issue of women sex slaves during the Second World War, seeing those measures as useful steps towards the solution of outstanding complaints regarding activities of Japanese military forces before September 1945;

3. Considers that the prompt establishment of a Japanese administrative tribunal to deal with persons who suffered maltreatment, in particular subjection to treatment akin to slavery, would effectively settle such grievances;

4. Recalls the recommendations adopted at its nineteenth session, in particular recommendation 13, paragraphs 1 to 4, and draws the attention of the parties concerned to the possibility of making agreements on voluntary submission to a settlement mechanism;

5. Decides to give particular attention to the question of domestic workers, in particular the situation of girl children, and urges Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work;

6. Takes note of the information provided on the issues of early marriages and detained juveniles, and decides to continue its consideration of these items at its next session;

7. Also takes note of the difficult situation in which girl children are living and of the need for them to be provided protection with a view to ensuring their fullest human development and participation in the life of their community;

8. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group with a view to considering their replies at forthcoming sessions of the Working Group;

9. Appeals to all Governments to send representatives to the meetings of the Working Group;

10. Encourages youth organizations as well as young persons from various non-governmental organizations to participate in the meetings of the Working Group;

11. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of the States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

12. Draws the attention of the Fourth World Conference on Women, to be held in Beijing in 1995, to the work of the Working Group, in particular issues involving women and girl children;

13. Recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

14. Requests the Secretary-General to transmit to the committees mentioned above, the Special Rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

15. Welcomes the adoption by the Commission on Human Rights of resolution 1995/27 of 3 March 1995, by which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery;

16. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose to the Commission on Human Rights at its fifty-second session and to the Working Group at its twenty-first session;

17. Notes that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the

Subcommission in its resolution 1992/2 of 14 August 1992 that the arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

18. Recommends that the Subcommission, in arranging its agenda, make provision for adequate discussion of the Working Group's reports near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

Annex I

ATTENDANCE LIST

I. Members of the Working Group

Ms. Marianela Ferriol Echevarría
Mr. Ioan Maxim
Mr. Muksum Ul Hakim
Mrs. Claire Palley
Mrs. Halima E. Warzazi

II. States Members of the United Nations represented by observers

Argentina	Mr. Ernesto Paz
Bangladesh	Mr. Nazmul Quauwine
Bolivia	Ms. Isabel Codima Paz
Brazil	Mr. Antonio Luis Espinola Salgado
China	Mr. Min Wang
Colombia	Ms. María Carrizosa
Cuba	Mr. Adolfo Curbelo Castellanos
Democratic People's Republic of Korea	Mr. Pak Dok Hun
	Mr. Au Myong Hun
Honduras	Ms. Gracibel Bu
India	Mr. Hamid Ali Rao
Indonesia	Mr. Atif Havas Ugroseno
Iraq	Mr. Mohammed Salman
Japan	Mr. Shohei Naito
	Mr. Takashi Koezuka
	Mr. Masaki Wada
	Ms. Mari Tomita
Libyan Arab Jamahirya	Ms. Najat El Hajjaji
Mauritania	Mr. Sydney Sokhona
Mexico	Mr. Porfilio Thierry Muñoz-Ledo
Morocco	Mr. Aboutahir Hassan
Netherlands	Mr. Willem Van Reenen
Nicaragua	Mr. Danilo Rosales
Nigeria	Mr. Cyril Uchenna Gwam
Norway	Ms. Gro Nystven
Pakistan	Mr. Babar Hashmi
Peru	Mr. Antonio García
	Mr. Eduardo Pérez
Philippines	Ms. Bernaditas C. Muller
Republic of Korea	Mr. Joon-Hee Lee
	Mr. Kang Hyeon Yun
Sudan	Mr. Alier Deng
	Mr. Mohamed Yousif Hassan
Turkey	Mr. Zeynep Kazgan

III. United Nations bodies

Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery	Mr. Michel Bonnet
United Nations Children's Funds	Ms. Sandie Blanchet

IV. Specialized agencies

International Labour Organization	Mr. Max Kern Mr. Ulrihe Beiderwellen Ms. Carmen Sottas Mr. Ken Schindler
International Monetary Fund	Mr. Grant B. Taplin
United Nations Educational, Scientific and Cultural Organization	Mr. Mehir Ashraf
World Health Organization	Mr. Sev S. Fluss Mr. Gareth Bayley

V. Non-governmental organizations in consultative status with the Economic and Social Council

Category I

International Alliance of Women - Equal Rights, Equal Responsibilities	Ms. Beate Henkel Ms. Mala Pal Ms. Irmgard Rimondini

Category II

Anti-Slavery International	Mr. Salem Mezhoud Mr. Mike Dottridge Ms. Caroline Lalou
Defence for Children International	Mr. Ricardo Dominicé Mr. Daniele Alemagna Ms. Champa D. Wickremasinghe
International Abolitionist Federation	Ms Brigitte Polonovski Ms. Hélène Sackstein Ms. Lucienne Droz Ms. Marique Loustav
International Association of Democratic Lawyers	Ms. Renée Stein Bridel
International Committee for European Security and Cooperation	Mr. Anton Keller

International Federation of Social Workers	Ms. Ellen Mouravieff-Apostol
International Federation of University Women	Ms. Maria Esperanza Ruesta de Furter Ms. Paule Necker Ms. Isabelle Cavicchi
International Federation Terre des Hommes	Ms. Eylah Kadjar-Hamouda Ms. Joan Van Straaten
International Fellowship of Reconciliations	Mr. G. Jungslager Mr. Etsuro Totsuka Ms. M. Hamer-Monod de Froideville Mr. A.N. Van Milligen de Wit
World Federation of Methodist Women	Ms. Renata Blöem
Roster	
Liberation	Mr. Etsuro Totsuka

VI. Other organizations

Action for Children Campaign	Rev. G. St. John-Willey Ms. Sandra Khambatta Ms. Phyllis Jameson Ms. Helen Clay Mr. Kieth Martin Mr. Gill Purdeep
Bonded Labour Liberation Front of India	Mr. Kailash Satyarthi
Bonded Labour Liberation Front of Pakistan	Mr. Ehsan Ullah Khan
NGO Group for the Convention on the Rights of the Child	Ms. Stephanie Hill Mr. Gerald DiGuisto
World Association for Orphans and Abandoned Children - Africa Regional Office	Mr. Cleophas Mally

Annex II

LIST OF DOCUMENTS

1. The following documents were issued for the twentieth session:

E/CN.4/Sub.2/AC.2/1995/1	Provisional agenda
E/CN.4/Sub.2/AC.2/1995/1/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.2/1995/2	Status of the conventions
E/CN.4/Sub.2/AC.2/1995/3	Status of the conventions
E/CN.4/Sub.2/AC.2/1995/4	Review of information received regarding the implementation of the conventions and the programmes of action
E/CN.4/Sub.2/AC.2/1995/5	Review of information received regarding the implementation of the conventions and the programmes of action
E/CN.4/Sub.2/AC.2/1995/6	Organ transplant
E/CN.4/Sub.2/AC.2/1995/7	Report of the Secretary-General

2. The following documents were available for reference:

E/CN.4/Sub.2/1989/37	Study on ways and means for establishing an effective mechanism for the implementation of the slavery conventions, prepared by the Secretary-General
E/CN.4/1993/58 and Add.1	Draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others: report of the Secretary-General
E/CN.4/Sub.2/1994/33 and Corr.1	Report of the Working Group on Contemporary Forms of Slavery on its nineteenth session
E/CN.4/1994/71 and Add.1	Draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others: report of the Secretary-General

E/1994/76 and Add.1	Report of the Secretary-General on the suppression of the traffic in persons and of the exploitation of the prostitution of others
E/CN.4/1995/42	Preliminary report submitted by the Special Rapporteur on violence against women, its causes and consequences
E/CN.4/1995/95	Report of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication
E/CN.4/1995/96	Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts
E/CN.4/1995/100	Report of the expert group meeting on children and juveniles in detention: application of human rights standards
CRC/C/2/Rev.3	Reservations, declarations and objections relating to the Convention on the Rights of the Child
A/49/478	Provisional report of the Special Rapporteur on the sale of children, child prostitution and child pornography submitted to the General Assembly at its forty-ninth session

Annex III

PROVISIONAL AGENDA FOR THE TWENTY-FIRST SESSION OF THE WORKING GROUP ON CONTEMPORARY FORMS OF SLAVERY

1. Election of officers.

2. Adoption of the agenda.

3. Review of the implementation and follow-up to the conventions on slavery:

   (a) Status of the conventions;

   (b) Review of information received regarding the implementation of the conventions and programmes of action.

4. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

5. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery:

   (a) Suppression of the traffic in persons and the exploitation of the prostitution of others;

   (b) Illegal adoptions;

   (c) Traffic in human organs and tissues;

   (d) Bonded labour;

   (e) Child labour;

   (f) Forced labour;

   (g) Migrant workers;

   (h) Activities of the Special Rapporteur on the sale of children, child prostitution and child pornography;

   (i) Activities of the Special Rapporteur on violence against women;

   (j) Other matters, including early marriages, incest and detained juveniles.

6. Adoption of the report of the Working Group to the Subcommission on Prevention of Discrimination and Protection of Minorities.